

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FURNISHARE, INC.,

Plaintiff,

-v-

THE TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, and STATE FARM
INDEMNITY COMPANY,

Defendants.

22 Civ. 2245 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On June 27, 2022, defendant The Travelers Indemnity Company of Connecticut (“Travelers”) filed a motion to dismiss defendant State Farm Indemnity Company’s (“State Farm”) cross-claim under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

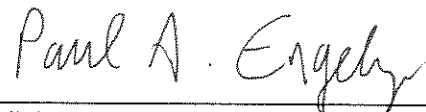
Accordingly, it is hereby ORDERED that State Farm shall file any amended cross-claim by July 18, 2022. No further opportunities to amend will ordinarily be granted. If State Farm does amend, by August 8, 2022, Travelers shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying the parties, stating that it relies on the previously filed motion to dismiss.¹

¹ If Travelers files a new motion to dismiss or relies on its previous motion, State Farm’s opposition will be due 14 days thereafter, and Travelers’s reply, if any, will be due seven days after that.

It is further ORDERED that if no amended cross-claim is filed, State Farm shall serve any opposition to the motion to dismiss by July 18, 2022. Travelers's reply, if any, shall be served by August 1, 2022. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

The Court will determine later, after receipt of State Farm's anticipated brief opposing a motion to dismiss the current or amended cross-claim, whether to schedule oral argument.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: June 28, 2022
New York, New York